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Loroco Sales, Inc., James Loro, Melva Loro and Nadine Loro

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

EVERFLOW TECHNOLOGY
CORPORATION, incorporated under
the laws of the Republic of China
(Taiwan),

Plaintiff,

vs.

MILLENNIUM ELECTRONICS,
INC., a California corporation,

Defendant.

Case No.: C07-05795-JF (HRL)

**NOTICE OF MOTION AND MOTION FOR
ORDER QUASHING SUBPOENA AND FOR
EXPENSES OF MOTION**

F.R.C.P. 45(c)

Date: September 23, 2008

Time: 10:00 a.m.

Magistrate: Howard R. Lloyd

To Plaintiff EVERFLOW TECHNOLOGY CORPORATION ("EVERFLOW") and to
Mark Fang, Esq., its attorney of record:

NOTICE IS HEREBY GIVEN that, on September 23, 2008, at 10:00 a.m., or as soon
thereafter as the matter may be heard, in Courtroom 2, 5th Floor, of this court located at 280
South 1st Street, San Jose, California, Jamel Enterprises, LLC, Millennium International, Loroco
Sales, Inc., James Loro, Melva Loro and Nadine Loro (hereinafter "MOVING PARTIES") will,
and hereby do, move for an order quashing the subpoena issued and served on County Bank, Inc.
("COUNTY"), the custodian of records, requiring the production of confidential financial
records. MOVING PARTIES will also move for an order requiring Plaintiff EVERFLOW to

1 pay the MOVING PARTIES reasonable expenses of making the motion, including reasonable
2 attorney's fees.

3 The motion will be made on the grounds that the subpoena requests documents that are
4 irrelevant and unnecessary to the parties claims or defenses and invades the privacy of the
5 moving parties. *See* Federal Rules of Civil Procedure 45(c).

6 The motion will be based on this Notice of Motion, on the Declaration of Kevin R.
7 Martin and the Memorandum of Points and Authorities served and filed herewith, on the papers
8 and records on file herein, and on such oral and documentary evidence as may be presented on
9 the hearing of the motion.

10 Respectfully Submitted,

11 Date: August 15, 2008

RANDICK O'DEA & TOOLIATOS, LLP

13 By: /s/
14 Kevin R. Martin